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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,647	03/11/2004	Stephen J. Lafontaine	02LF-1	8137
75	90 06/15/2006		EXAM	INER
Robert R. Mea	ads		SINGH,	SUNIL
214 Paseo de Su	uenos			<u> </u>
Redondo Beach, CA 90277			ART UNIT	PAPER NUMBER
			3673	3673
			DATE MAILED: 06/15/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/798,647 LAFONTAINE STEPHEN, J Staminer Art Unit Suni Singh 3673 3673 3673 3673 3673 3673 3673 3673 3673 3673 3673 3675 3		Application No.	Applicant(s)			
Sumil Singh 3673		10/798,647	LAFONTAINE STEPHEN, J			
— The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edunations of time rup to available under the provisions of 37 CFR 1.1360, in no event, however, way a reply the timely field 1 th 00 period for reply is appoilted above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failur to reply within the sort or endered period for reply is patishic, cause the application become ABANDONED (SI U.S. 2, 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any statutory placed time applications. 1) □ Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit			
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1) Responsive to communication(s) filed on	 WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 					
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1.4.5.8-17.24 and 25 is/are pending in the application. 4a) Of the above claim(s) 1.4.5 and 8-17 is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: ☐ Certified copies of the priority documents have been received. ☐ Certified copies of the priority documents have been received in Application No 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) 1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5] ☐ Notice of Informal Patent Application (PTO-152)	Status					
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Application/Control Number: 10/798,647

Art Unit: 3673

797-2: -*

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (US 4254597) in view of either Murphy or Cherrington (US 2472120,3967689)

Feldman et al. discloses a ground piercing tool comprising a ground piercing tip (16) consisting of a forward facing pointed tip (16), a rearward facing threaded portion (25, see Fig. 3) and a radially extending rearward facing shoulder (see Fig. 3) outward of the threaded portion; an elongated axially extending first rod (11) including a first forward facing threaded portion (see Fig. 2) for mating with the rearward facing threaded portion of the tip, a first radially extending forward facing shoulder (see Fig. 2) outward of the first forward facing threaded portion for engaging the rearward facing radially extending shoulder of the tip, a first rearward facing threaded portion (26, see Fig. 2), and a first radially extending rearward facing shoulder outward of the first rearward facing threaded portion; and an end cap (13) having a rearward facing axial impact surface. Feldman et al. discloses the invention substantially as claimed. However, Feldman's et al. end cap lacks a threaded portion so as to mate with the rearward threaded portion of the first rod. Murphy and Cherrington both teach an end cap (13,37) having a forward threaded

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portion(15,26) for mating with the rearward threaded portion (11,28) of a first rod (10,14). It would have been considered obvious to one of ordinary skill in the art to modify the end cap of Feldman et al. by substituting the connecting means as taught by either Murphy or Cherrington for the connecting means disclosed Feldman et al. since such a substitution allows for ease removal of the end cap in the event one wants to add more rods.

With regards to claim 25, a second rod is taught by Feldman et al. (see col. 3 lines 10-30, col. 4 line 10+).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Engle Patricia can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh
Primary Examiner
Art Unit 3673

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